

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Paul Blackmer

v.

Civil No. 14-cv-535-LM

N.H. Governor

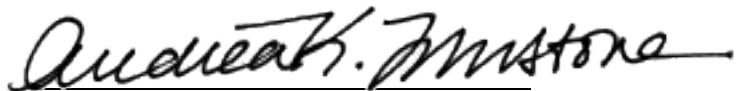
REPORT AND RECOMMENDATION

Pro se prisoner plaintiff Paul Blackmer has filed a complaint (doc. no. 1), suing New Hampshire Governor Maggie Hassan, and seeking a court order directing either that she return a complaint that Blackmer sent to her in August 2014, naming her and two prison officers as defendants, or that she file that complaint on Blackmer's behalf with this court. The subject matter of the complaint at issue, Blackmer asserts, is his claim that prison officials unlawfully seized his legal files in violation of his right of access to the courts. Presently before the court is Blackmer's motion seeking to proceed in forma pauperis in this action (doc. no. 3), pursuant to 28 U.S.C. § 1915(a).

Blackmer is subject to the three strikes restriction set forth in 28 U.S.C. § 1915(g). See Blackmer v. Merrimack Cnty. Super. Ct., No. 12-cv-461-JD, 2013 WL 322209 (D.N.H. Jan. 8, 2013), report and recommendation adopted, No. 12-cv-461-JD, 2013

WL 322201 (D.N.H. Jan. 28, 2013), aff'd, No. 13-1407 (1st Cir. Mar. 7, 2014). This means that unless Blackmer shows that he is exposed to an "imminent danger of serious physical injury," an in forma pauperis application must be denied. 28 U.S.C. § 1915(g). Blackmer has failed to show that he is in imminent danger of such injury.

Accordingly, the district judge should deny the motion for leave to proceed in forma pauperis (doc. no. 3), and order Blackmer to pay the filing fee within thirty days, to avoid dismissal of this case. Any objections to this Report and Recommendation must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). Failure to file objections within the specified time waives the right to appeal the district court's order. See United States v. De Jesús-Viera, 655 F.3d 52, 57 (1st Cir. 2011); Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010).

A handwritten signature in black ink, reading "Andrea K. Johnstone". The signature is fluid and cursive, with a horizontal line drawn underneath the name.

Andrea K. Johnstone
United States Magistrate Judge

December 29, 2014

cc: Paul Blackmer, pro se